



October 16, 2010

Hawaii Aquaculture & Aquaponics Association
P.O. Box 29398
Honolulu, Hawaii 96820

Management Plan Review Coordinator
HIHWNMS

E-mail: hihwmanagementplan@noaa.gov

Dear Plan Coordinator:

The Hawaii Aquaculture and Aquaponics Association (HAAA) is the statewide trade association representing and encouraging sustainable commercial aquaculture on all the major islands. Membership of HAAA includes representatives of the emerging open ocean aquaculture research and commercial sector and persons familiar with the operation and workings of the humpback whale sanctuary since its inception in 1992. HAAA has strong concerns over the potential negative and disruptive impacts of Sanctuary expansion in species of concern and geographic area on the sustainable economic use of State marine waters and takes the opportunity to make the comments below in opposition to the unwarranted expansion of the scope of activities and area; already at 1.1 million acres.

Instead we urge the revision process to study a reduction in the current size of the Sanctuary, given its 13 years of operating experience and the robust health of the whale population that is growing at an estimated 7 % per year. Moreover, the revised plan should address improved collaborative management of humpback whale populations, which take up residence in Hawaiian waters only 5 months of the year, and the present and future beneficial and environmentally sustainable economic users of our ocean, especially commercial and recreational fishing and aquaculture. Our comments at this stage of the review process follow.

We understand the HIHWNMS is unique within the National Sanctuary System in that it is to be jointly managed by the Federal government, the National Oceanic and Atmospheric Administration (NOAA) and the State of Hawaii, the Department of Land and Natural Resources (DLNR). Specifically, the enabling documents stated the Sanctuary was not to promulgate its own regulations, but instead as originally conceived was to utilize the existing federal and State laws and regulations to carry out its mission of protecting whales and their habitat so as not to duplicate existing authorities. Your documents seem to indicate the Sanctuary would promulgate its own regulations, which is a major change from the status quo and misleading.

Further, we recall that when Governor Cayetano agreed to the first Sanctuary Management Plan, that its operation would not impact existing and future compatible State economic policies and commercial uses encouraged by the State, e.g. commercial fishing and later open ocean aquaculture. HAAA believes the Sanctuary in recent years has forgotten or has ignored the tenets of this agreement and the promises inherent to the citizens and ocean users of Hawaii. Aquaculture projects that have come before the Sanctuary and its advisory body believe they have been unfairly treated and misrepresented by staff and certain advisory council members through: speculation on the whale and whale habitat impacts of aquaculture passing as hard science, utilizing whale distribution data of questionable accuracy to criticize proposed sites, empirical evidence from Hawaii and around the world of acceptable risk for collision with culture nets being ignored, and unwarranted limitations being put on the technical input into the Sanctuary Advisory Council (SAC) deliberations by not sufficiently including offshore aquaculture expertise in discussions and not having aquaculture industry representation in the SAC.

Moreover, members of the industry suggest there has been an informal, yet pervasive, policy to try to totally exclude aquaculture from all Sanctuary waters (e.g. lobbying federal official in Washington DC against open ocean aquaculture) - despite one farm, Kona Blue Water Farms being successfully located in the Sanctuary for several years and the State pro development policy. Revisiting and better understanding the original promises supporting compatible economic uses in Sanctuary waters found in the original enabling documents mentioned above , as well as actively soliciting comments and experiences from all ocean user groups, would provide a realistic context for the review.

HAAA cannot support expanding the influence of the Sanctuary by increasing its size to all State marine waters and adding sea turtles and other marine mammals given the management track record. It could be a nightmare scenario for present and future commercial ocean uses. As mentioned above, proposed offshore aquaculture farms were threatened with rallying certain elements of the environmental community against the project to force them to move operations to less acceptable locations within and outside the Sanctuary. Likewise, while we are not privy to details, it appears the Super Ferry project was threatened and intimidated to alter routing plans, perhaps unnecessarily and negatively affecting operations.

Notably, it is the State policy to develop Hawaii's offshore aquaculture potentials to increase local supplies of seafood and reduce imports. In fact there is an urgent need to satisfy the Islands growing seafood demand. Currently, Hawaii imports around 85% of seafood supply and the amount is growing. The recent establishment of the national monument in the Northwest Hawaiian Islands has only added to that deficit. Seafood self sufficiency is part of the overarching State policy to increase food self sufficiency for the future offshore aquaculture has been targeted as one sector to expand.

HAAA and its aquatic-based businesses believe that humpback whales, sea turtles and other marine mammals of concern are well protected by existing federal and state laws and

regulations. Overlaying expanded sanctuary influence and possible new regulations on this extensive body of statutes and rules would be redundant. Further, expanding the Sanctuary to all State marine waters - Sanctuary input has become a required step in any Hawaii ocean development - is unwarranted and unnecessary. Adding to the influence of the Sanctuary would add to the risk and uncertainties inherent in offshore aquaculture projects, as well as other potentially compatible commercial ocean uses (e.g., ocean energy and wave energy), while creating additional bureaucratic obstacles to an already confusing regulatory system.

In summary, HAAA believes that the recent track record of the Sanctuary in accommodating State economic policies for ocean development and use has been overly restrictive and disruptive and counter to the original intent of the Sanctuary. Adding to the scope of the Sanctuary by increasing its size to all State waters and more protected species is unwarranted and protections under existing federal and state laws and regulations are addressing protected species concerns; as seen by the robust growth of the humpback whale population in recent years. In the review of the existing management plan, a thorough review of the enabling documents, existing State ocean use policies and the inherent past "social contract" with Hawaii's commercial ocean users should be carried out, so as to understand the original intent of establishing the Sanctuary. The options of reducing the scope and size of the Sanctuary and improving its interaction with existing and potential commercial ocean uses should be an important part of the process. Failing to adequately consider these issues and ramming Sanctuary expansion changes through the process could turn Hawaii's magnificent ocean into a resource that does not help sustainably serve the existing and future food and energy needs of its citizens, and that would be a tragedy.

HAAA appreciates the opportunity to comment and looks forward to providing additional input as this process moves forward.

Sincerely

A handwritten signature in black ink, reading "Ronald P. Weidenbach". The signature is fluid and cursive, with the first name "Ronald" being more prominent and the last name "Weidenbach" following in a similar style.

Ronald P. Weidenbach, President

cc HAAA Board of Directors